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Report of the Secretary-General on the United Nations Support Mission in Libya

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2040 (2012) and covers major developments since the issuance of my previous report, dated 30 August 2012 (S/2012/675). It covers key political and security developments and outlines the activities undertaken by the United Nations Support Mission in Libya (UNSMIL) to implement its mandate under Security Council resolutions 2009 (2011), 2017 (2011), 2022 (2011) and 2040 (2012). The report also provides an overview of the humanitarian situation and an assessment of the progress and challenges that continue to face Libya in its democratic transition.

II. Political and security developments in Libya

2. Political and security developments in Libya during the reporting period reveal the complexities of the post-conflict democratic transition. While there has been notable progress in the country's political transformation, including the swearing in on 14 November of Libya's first democratically constituted Government, many difficulties and problems continue to illustrate the volatility and precariousness of the transition process.

3. The challenges facing Libya are further compounded by the 42-year legacy of dysfunctional State institutions, which were purposely undermined over decades of authoritarian rule. Tribal and regional tensions, the absence of political norms and the suppression of independent elites and civil society also resulted in insufficient capacity to foster the type of far-reaching changes that are required. The economic structures and policies of the former regime hindered the development of a private sector and increased the dependence of much of Libya's workforce on an ever-expanding and inefficient public sector. Thus, economic opportunities remain limited, in particular for the absorption of demobilized revolutionaries. More critically, reforming and rebuilding a much-debilitated security sector remains by far the most difficult task facing the Libyan authorities. Addressing these difficulties will require sustained and coordinated political efforts at all levels, as well as continued international support and assistance. As the Libyan people marked the first anniversary of Liberation Day on 23 October, it was clear that they had high expectations of their elected authorities to deal with the main problems the country is facing.

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A. Democratic transition

4. Against a backdrop of heightened expectations alongside security developments in Benghazi, Bani Walid and elsewhere in the country, the Government of Prime Minister Ali Zeidan was sworn into office on 14 November. The confirmation of Prime Minister Zeidan's Government by the General National Congress followed two failed attempts of the previous Prime Minister-designate, Mustafa Abushagur, to secure approval for his cabinet. The broad political base of Mr. Zeidan's cabinet reflected his repeated emphasis on forming a government of national unity that is politically inclusive and regionally balanced. The two main political blocs in the General National Congress — the Coalition of National Forces and the Justice and Construction Party — were well-represented in the Government, receiving an equal number of seats. The cabinet included two women and one member of a minority community. In his inaugural speech, the Prime Minister reiterated his commitment to building a democratic civil State guided by the Constitutional Declaration that upholds human rights and the rule of law. He pledged to make security his highest priority.

5. The High Commission on Integrity and Patriotism, a Government body mandated to vet senior officials, initially excluded four ministerial nominees from Prime Minister Zeidan's cabinet, including his choice of Minister of Interior. Although the courts later overturned the Commission's decision with respect to the four ministerial nominees, there remains suspicion in some quarters that the vetting process is politicized. Vetting is seen by many as essential to safeguarding the revolution and preventing former regime officials from rebranding themselves and returning to public life.

6. The debate over the use of lustration policies acquired added impetus following a majority vote within the General National Congress on 26 December to consider enacting a law on "political isolation". Deep divisions have emerged among members of the General National Congress and political forces, particularly with respect to the potential scope and application of such a law. There are fears that insistence on such a law could be motivated by a desire to alter the political balance of power that has emerged since the national elections held in July. Disagreements over the objectives of the proposed law and its possible consequences will likely influence the discussion within the special committee appointed by the General National Congress to draft the law and well beyond.

B. Situation in Bani Walid

7. The decision by the General National Congress to authorize the use of force against elements alleged to be loyal to the former regime in Bani Walid refocused attention on the city, whose troubled relationship with the nascent Libyan State following the end of the conflict in 2011 continued to be a major source of discontent for the General National Congress and the Government. The General National Congress passed decision No. 7 on 25 September instructing the Ministries of Interior and Defence to take all necessary measures to detain those alleged to have kidnapped and tortured Omran Sha'ban, one of three detainees released by Bani Walid, following an appeal by President El-Magariaf during his visit to the city. Mr. Sha'ban, considered by many to be a national hero for his role in the capture of the former Libyan leader, Muammar al-Qadhafi, passed away in Paris

while receiving medical care for injuries allegedly sustained during his captivity in Bani Walid.

8. Intense mediation efforts aimed at defusing the stand-off with Bani Walid, including separate initiatives by President El-Magariaf and other senior tribal delegations from across the country, failed to bring an end to the military build-up outside Bani Walid and the hostilities that ensued. My Special Representative, who had at the time conveyed to the Libyan authorities the deep concern of the United Nations and the international community with regard to Libyan obligations to protect civilians, remained closely engaged with all parties concerned, offering good offices in an effort to avoid an escalation of tension between regions and the spread of violence to areas outside of Bani Walid.

9. In a televised speech to the nation on 23 October, President El-Magariaf conceded that mediation efforts had reached a dead end and that a military solution was inevitable in order to extend the State's authority to Bani Walid and arrest those operating outside of the law. Pledging every effort to protect the civilian population, he acknowledged the deteriorating humanitarian situation that had resulted from the military siege and operations.

10. On 24 October, authorities declared that military operations in Bani Walid were over and that the Libyan army had taken control of the city. The outgoing Government of Prime Minister El-Keib announced plans to restore public order and security and to replace the Libya Shield brigade, which took control of the city in the aftermath of the siege and attack, with units from the Libyan army. A crisis management committee was set up within the Office of the Prime Minister to coordinate all Government activities related to Bani Walid. Despite calls for the establishment of a fact-finding committee to look into allegations of looting, the burning of homes and other human rights violations, no progress has been made on this issue. After some delay, attributed by local military authorities to a high level of insecurity, a United Nations delegation was able to enter the city in order to assess the humanitarian situation, provide some emergency assistance and encourage the return of the civilian population.

C. Eastern Libya

11. In Benghazi, the situation continued to be marred by an escalating series of security incidents reflecting deeply varying political and ideological perspectives on the future of the country. On 11 September, United States Government facilities were attacked by armed elements, resulting in the death of Ambassador Christopher Stevens and three other American personnel. The attack served as a potent reminder of the tense political and security dynamics in the city. Libyan officials and leaders from across the political spectrum were unequivocal in their condemnation, with the Government pledging cooperation with the United States of America in its investigation. Reflecting the public's anger against the attack and a desire for a return to stability in the city, some 30,000 demonstrators took part in the "Save Benghazi" rally on 21 September, calling for the police and military to assume their responsibilities as the sole, legitimate State security provider and for the dismantlement and integration of all armed groups. On 12 January there was an attack on the vehicle carrying the Italian consul, in which he was unharmed. The Government has since reiterated its plan to establish a special unit for diplomatic

security. A marked increase has been noted in the assassination of senior police and military officials in eastern Libya and of attacks against various State security facilities.

12. My Special Representative visited Benghazi on 29 November and met with the local council, civil society representatives and political parties, all of which underscored the need for comprehensive steps by the Government to address growing insecurity in the east as well as deep feelings of marginalization. They also called for immediate steps to decentralize Government services and for the election of a constitutional drafting body that takes into account the concerns of the east.

D. Security incidents

13. A number of attacks against places of worship, predominantly Sufi shrines, occurred during the reporting period. Four people were killed on 7 September in an exchange of fire between Salafists and local residents who had organized themselves to protect a Sufi shrine in the town of Rajma, east of Benghazi. The incident followed a spate of Salafist attacks in late August, targeting the historical Sheikh Abdul-Salam al-Asmar mausoleum in Zleiten, the Sidi Ahmed Zaroug tomb in Misrata and the Sidi al-Sha'ab shrine in Tripoli. These attacks elicited strong condemnation from the General National Congress, President El-Magariaf, Grand Mufti Al-Sadiq al-Gheriani, other senior officials, political leaders and civil society representatives. The United Nations Educational, Scientific and Cultural Organization deplored the attacks as constituting the destruction of the religious and cultural heritage of Libya.

14. On 30 December a bomb exploded at a Coptic church in Dafniya, near Misrata, killing two Egyptians and wounding two others. No group claimed responsibility for the attack. The Libyan authorities condemned the terrorist action and affirmed their commitment to identify the perpetrators and bring them to justice.

15. The security situation also remains problematic in the south. The head of the local council of Taragon was killed on 15 December. President El-Magariaf survived an assassination attempt during a visit to Sabha on 3 January.

E. Regional security concerns

16. The impact of the military intervention in northern Mali on stability in southern Libya and elsewhere has been highlighted by growing fears that a potential influx of rebels and other groups fleeing from Mali to Libya could render an already fragile security and political situation considerably more unstable. Those concerns have been further compounded by dissatisfaction among the population in the south regarding what they perceive as insufficient action by the central authorities to address demands relating to poor services, deteriorating security, cross-border crime and illegal migration. This dissatisfaction, along with a mass prison breakout in Sabha in early December, prompted a walkout by southern members of the General National Congress in protest at the failure of the authorities to address their concerns. My Deputy Special Representative led a joint United Nations country team/UNSMIL mission to the south to meet with local authorities and civil society to identify areas in which the United Nations could provide assistance. UNSMIL regularly engages with representatives of the Tabu and Tuareg communities on

issues affecting the south, including citizenship, political representation, communal tensions and border security problems.

17. In early December, Prime Minister Zeidan led a high-level delegation to Algeria, Chad, Niger and the Sudan to discuss border security and bilateral relations. The visit resulted in an agreement among Chad, Libya, Niger and the Sudan to form a joint security committee that would look into putting mechanisms in place to address issues related to border security. On 12 January, the Prime Minister met with his Algerian and Tunisian counterparts in Ghadames, who agreed to joint measures to combat organized crime and cross-border smuggling.

F. International assistance to Libya

18. On 17 December, a senior officials meeting was held in London, convened jointly by the Governments of Libya and the United Kingdom of Great Britain and Northern Ireland, with United Nations support and the participation of Denmark, France, Germany, Italy, Qatar, Turkey, the United Arab Emirates and the United States, as well as the European Union, to assist Libya in its efforts to strengthen the rule of law and reform its security sector. The participants endorsed the priorities set out by the Libyan authorities in the two areas, emphasized the importance of coordination both internally in Libya and among international partners and identified practical actions and specific international assistance needed to realize progress on those issues. A follow-up ministerial-level meeting was held on 12 February in Paris at which international partners reaffirmed their commitment to assist the Libyan Government in accordance with Libyan priorities.

G. Constitution-drafting process

19. Deliberations within the General National Congress over the constitution-drafting process formally began on 4 November, focusing entirely on the question of whether members of the constitution-drafting body were to be appointed by the General National Congress or elected in a national vote. Unable to reach consensus on this issue, on 26 December the General National Congress established a public outreach committee mandated to undertake a national consultative process. On 6 February the General National Congress passed a decision confirming that a constitution-drafting body would be elected and dissolving the public outreach committee.

20. The debate over the method for establishing the constitution-drafting body, to be composed of an equal number of representatives from each of Libya's three regions, has been particularly acute in eastern Libya, where demands have grown more vocal for its election. The issue has become entwined with the question of federalism, as calls for an elected body have emanated predominantly, although not exclusively, from those advocating a federal system, as well as those who are calling for the principles of local government or wide-ranging decentralization to be enshrined in the constitution. In view of the implications of any decision for the long-term stability of Libya, UNSMIL has consistently emphasized the importance of public awareness, the need for consultation, open debate and transparency to ensure that, whatever the final outcome of this particular question, the Libyan people trust and respect the constitution-drafting body and the constitution-making

process as a whole. In this regard, UNSMIL has provided the Libyan authorities with technical advice on the development of a media strategy aimed at enhancing outreach capacity for this purpose.

21. In the interim, the United Nations has been providing technical support and assistance to the General National Congress on a number of procedural and capacity issues, including support for initiatives to enable a participatory and effective consultation mechanism. UNSMIL led efforts to support women members of the General National Congress and raise awareness of women's political rights. Women members of the General National Congress and leaders of civil society organizations participated in United Nations-sponsored conferences in Egypt, Libya and Tunisia that focused on women's participation in elections and politics.

III. Activities of the United Nations Support Mission in Libya

A. Electoral support

22. Further to the decision by the General National Congress in early November to undertake a two-month national consultation on the mechanism for selecting members of the constitutional drafting body, UNSMIL is working closely with the General National Congress's constitution and legal committee, offering technical support and advice on selection criteria and on the subsequent working process. With the decision of the General National Congress on 6 February confirming that elections would be held for a constitution-drafting body, a new electoral law will be needed to provide the legal framework for conducting the election.

23. Following the publication of the General National Congress election results in August, the High National Election Commission began work on formally concluding the electoral process. This included the organization of lessons-learned sessions, both by its central administration office and at the regional level by its 13 district offices. Debriefing sessions were convened with national and international observation groups, as well as with stakeholders who played important roles in the electoral process, including representatives of civil society, political entities, the judiciary and the media. A final report detailing the outcome of those briefings, including proposals on the structure of the election management body for the remaining transitional period, was submitted to the General National Congress in early December for its consideration. The future mandate, form and structure of the election management body remain uncertain.

24. In the interim, the High National Election Commission has been considerably downsized, retaining only a skeleton staff in order to ensure the continuity of institutional knowledge and to provide the basis for rapid mobilization once clarity is achieved on the nature and timing of the next electoral event. In order to create an electronic voter register that can be used as a basis for future electoral events, the High National Election Commission took measures to digitize the voter register, with district offices collecting and sorting lists used in polling stations in the July national elections.

25. A lessons-learned exercise conducted by the United Nations Electoral Support Team found that maintaining standards of a credible and professional electoral administration would require sustained attention and effort. To that end, the

Electoral Support Team was downsized and restructured, with approximately 30 international advisers from various components of UNSMIL, the United Nations Development Programme (UNDP) and the United Nations Office for Project Services currently providing support to the electoral transitional process from their bases in Tripoli, Benghazi and Sabha. The advisers are embedded with the High National Election Commission staff, supporting their current activities and preparing a comprehensive capacity-building plan for the development of the future electoral management body. The team is also closely engaged with key decision makers and opinion makers in order to build knowledge and awareness on the establishment of sound electoral institutions and practices.

B. Human rights, transitional justice and the rule of law

26. The volatile security situation continued to represent a major challenge for the full resumption of the Libyan court system, with armed elements often cited by judges and prosecutors as a source of continuous threat. Following a number of attacks on courts, including the appeals court in the Green Mountain region and the office of the Chief Prosecutor in Benghazi, a number of senior judges threatened to suspend the work of the courts if their security were not guaranteed. In meetings with the Ministries of Justice, Interior and Defence, UNSMIL has continued to advocate for the adoption of a joint strategy to ensure that adequate security measures are put in place for the court system.

27. On 5 September, Mauritania extradited President Al-Qadhafi's former intelligence chief, Abdullah al-Senussi, to Libya. A Government statement in December indicated that legal proceedings against Saif al-Islam Qadhafi would commence within a month. Although its admissibility challenge before the International Criminal Court remains pending, the Government has insisted that it would try both men in Libya. On 17 January, however, Saif al-Islam Qadhafi appeared before the criminal court in Zintan on charges of undermining State security and attempting to escape from prison. The hearing did not include any charges related to the conflict.

28. The trials of the former chief of external intelligence, Abu Zayd Dorda, and of the former Prime Minister, Al-Baghdadi al-Mahmudi, remain under way. Legal proceedings against the former Chair of the National Transitional Council, Mustafa Abdul Jalil, commenced in December in relation to the investigation into the killing of the former chief of staff of the revolutionary armed forces, General Abdel-Fattah Younes. The actions of the military prosecution in Benghazi, perceived to have been unfair and disrespectful of Mr. Abdul Jalil, triggered angry protests across Libya. The issue also highlighted the ongoing debate regarding the jurisdiction of the military justice system over civilians.

29. The provision of technical and advisory support to the public prosecution service continued as a main pillar of the Mission's intervention aimed at enhancing judicial functions and reinforcing transitional justice mechanisms. Technical support has also been offered to the judicial police as part of ongoing efforts to improve penitentiary administration. With regard to the screening and processing of detainees, UNSMIL has also provided the chief prosecutor in Misrata with technical assistance on ways of accelerating and generating momentum on the issue.

30. The lack of a judicial process for the thousands of detainees who remain in custody continues to represent a serious human rights issue. Concerns also remain about acts of revenge against detainees who were accused of perpetrating sexual violence during the conflict. While there has been some progress in the screening of detainees, there was no significant decrease in the number of conflict-related detentions. Similarly, while there has been a slight increase in the number of detainees transferred to State authority, up to 4,700 out of an estimated total of 7,000 armed brigades continue to exercise variable degrees of influence over a number of prisons operated by the judicial police, rendering detainees vulnerable to mistreatment. Violations of human rights continued to be reported in detention centres controlled by the revolutionary brigades, with several deaths recorded over the reporting period.

31. During the conflict in Bani Walid in October, human rights violations and other abuses, including indiscriminate shelling, arbitrary arrests and detentions, looting, burning of homes and the mistreatment of prisoners in custody, were perpetrated. UNSMIL also documented violations by Bani Walid fighters, including the kidnapping and illegal detention of at least 10 men from Misrata, Tajoura, Souq al-Jum'a and Zleiten. Following the end of hostilities, hundreds of detainees from Bani Walid remained, without due process, in detention centres in Tripoli, Misrata, Tarhouna, Gheryan and Al-Zawiyah.

32. Following discussions with officials and representatives of civil society organizations on reforming the transitional justice law (No. 17/2012), adopted by the National Transitional Council last year, UNSMIL issued a public report with a set of recommendations underlining the importance of representing all those concerned in the Fact-Finding and Reconciliation Commission and instituting a dynamic approach to truth-seeking. The Ministry of Justice incorporated many of these recommendations in the new draft transitional justice law it submitted in December for consideration by the General National Congress.

33. Further to UNSMIL initiatives earlier in the year to stimulate public dialogue on transitional justice in Libya, the Mission co-organized a conference on the theme "Truth-seeking and reconciliation: the way forward", held jointly with the Fact-Finding and Reconciliation Commission, the human rights committee of the General National Congress and UNDP. Experts from Peru, South Africa and Tunisia were invited to share the experiences of their respective countries on issues of truth-seeking and reconciliation. Conference participants urged Libyan authorities to display the requisite political will to pursue transitional justice and called for a genuine political dialogue as a first step towards national reconciliation.

34. As part of its human rights capacity-building mandate, UNSMIL is working closely with the human rights committee of the General National Congress, focusing in particular on the obligations of Libya under international human rights treaties. The committee's discussions in December concerning the possible ratification of the Convention on the Rights of Persons with Disabilities is an encouraging step in this regard. UNSMIL is also continuing to provide basic training in human rights monitoring and documentation to activists across the country.

35. Differences have emerged over plans to reform and reorganize the judicial system. At a workshop organized by UNSMIL and the High Judiciary Institute in November, participants underscored the need to address judicial reform challenges in line with international human rights and rule of law standards.

36. In a positive development demonstrating the increasing role of the Supreme Court as a guardian of public liberties and the rule of law, the Court annulled, on 23 December, article 2 of the law abolishing the People's Court on the grounds that it violated the Constitutional Declaration. The article in question granted the public prosecutor the authority to extend the detention of members of the former regime. The Supreme Court declared that the application of exceptional proceedings, effectively limiting its oversight, violated the principle of equality among Libyan citizens and had an adverse impact on public liberties.

37. The near-total absence of services for survivors of sexual violence presents a significant challenge. It is worth noting, however, that the Ministry of Social Affairs formed a working group in October to look into the issue. In a related move, the Ministry, with support from the United Nations Population Fund, in September inaugurated a national multi-sectoral working group on gender-based violence. The initiative reflects a shift in public awareness on issues related to gender-based violence, as well as a modest expansion of political will to address them.

C. Security sector

38. The security situation remains precarious and continues to be the predominant concern for the Libyan authorities and people. The need to restore security to enable effective governance, establish democratic institutions and promote national development has been reiterated in numerous statements of the General National Congress and the Government, as well as civil society. The Government has identified a number of national security priorities, including the need to enhance border security in the south, resolve security problems in Benghazi and integrate revolutionary fighters into the security forces or reintegrate them into civilian life. Central to the Government's ability to address these challenges in the immediate and longer term is the establishment of proper national security coordination mechanisms and the effective reform and development of the Libyan Armed Forces and the Libyan Police Service and the development of capable institutions responsible for their democratic management, accountability and oversight.

39. Building an effective national defence force has proven to be a difficult endeavour, given issues of marginalization and operational deficiencies during the four decades of the Qadhafi regime. The establishment of a "new", professional and apolitical defence force is a key requirement for internal and border security and for progress to be made on disarmament, demobilization and reintegration initiatives.

40. In order to ensure the provision of coherent United Nations support to Libyan efforts in the area of security, a "One United Nations" security sector approach has been implemented, drawing on the resources of both UNSMIL and the United Nations country team. In accordance with Security Council resolution 2040 (2012) and the principle of national ownership, the structure is aimed at supporting the development of an effective, accountable and affordable Libyan security sector that respects human rights, upholds the rule of law, is responsive to women and vulnerable groups and has the confidence of the Libyan people.

1. Security sector architecture and coordination

41. During the reporting period, Libyan authorities began to consider the development of appropriate capacities in the areas of security sector architecture and coordination. With the support of UNSMIL, the Government articulated immediate and longer-term national priorities for security sector reform, transitional justice and the rule of law, for the development of terms of reference of a national security council and for General National Congress committees on national security, defence and police. By outlining its priorities in those areas, the Government intends to ensure that the international community allocates its support to areas with the greatest need for security, as defined by Libya.

2. Disarmament, demobilization and reintegration

42. Despite the high priority the Government has accorded to disarmament, demobilization and reintegration, actual progress has been slow. Uncertainty regarding many programmes devised by the Warriors' Affairs Commission for Rehabilitation and Development still remains. A programme of limited disarmament commenced under the auspices of the Office of the Chief of General Staff, but results were modest, and there was no clear understanding of control and/or destruction arrangements for returned weapons and ammunition.

43. Because of the lack of operational capability in the defence and police forces, revolutionary brigades have continued to play a key role in providing security, including by performing specific duties mandated by the Government. Groups of revolutionary fighters have joined the semi-official military and security structures, such as Libya Shield, the National Mobile Force and the Supreme Security Committee, while some have returned to civilian life. Notwithstanding progress by the Ministries of Defence and Interior to integrate these revolutionary fighters or reintegrate them into civilian life, a considerable number of revolutionary fighters are not willing to surrender their weapons to State authorities and be absorbed into official State security structures or resume civilian life. Progress in the identification of employment opportunities and social and medical support for these fighters is essential.

44. UNSMIL continued to work with the World Health Organization to provide psychosocial training programmes in support of revolutionary fighters suffering from post-traumatic stress disorder.

3. Border security

45. The management of porous borders and the lack of sufficient border control mechanisms continue to be of major concern to Libya and its neighbours. These concerns were reflected in the decision by the General National Congress of 16 December to close the country's borders with Algeria, Chad, the Niger and the Sudan and to declare the southern regions of the country closed military zones.

46. During the reporting period, the Mission continued to work closely with the European Union, emphasizing the need for timely international support in the areas of border security and border management and for such support to be provided in a coherent and complementary manner. The European Union established a working group on border security and management to coordinate international support, in which the United Nations is participating. In this regard, the European Union is

planning to deploy a common security and defence policy mission on border security to Libya by mid-2013.

4. Arms and ammunition management

47. Unsecured ammunition, explosive remnants of war and stockpiled weapons, including small arms, light and chemical weapons and materiel, continue to pose a serious risk to the Libyan people and to regional security. Libya has submitted a detailed plan for the destruction of the remaining chemical weapons stock with a new planned completion date of December 2016. Destruction operations are planned to resume in March 2013.

48. With respect to the illicit proliferation of arms and related materiel, UNSMIL, with involvement from the United Nations Children's Fund (UNICEF), continued to be active in training on ammunition management, search awareness and explosive ordnance disposal with the Ministries of Defence and Interior. UNSMIL coordinated operations, monitored and advised on the accounting, safe storage and control of arms and ammunition, the clearance of explosive remnants of war and the registration of weapons. Along with the armed forces, military councils and some local revolutionary brigades, UNSMIL supported Libyan-led ammunition and weapons management initiatives and identified potential new projects.

49. UNSMIL, under the coordination of the Mine Action Service of the Department of Peacekeeping Operations, cleared 204,075 items of explosive remnants of war and unexploded ordnance covering 11,134 m^2 of agricultural lands and military defence areas. While the results are notable, contamination remains high and clearance assets were reduced because of financial constraints.

50. Progress was made during the reporting period in raising awareness of the risk of mines and explosive remnants of war in Libya. The Ministry of Education, in partnership with UNICEF, established a coordination mechanism to ensure quality coverage of explosive remnants of war and mine risk education in all relevant areas of the country. This has benefited some 190 teachers, who now have better knowledge about mine risk education and have acquired risk-reduction teaching skills. More than 650,000 children and adolescents have been educated on the risks of mines and unexploded ordnance as a result of the full placement of a full-page message on mine risk education on the back covers of primary school textbooks.

51. Through Libyan risk education, supported by UNICEF, advocacy and information campaigns on the dangers of unsecured arms and ammunition have reached more than 19,655 people; a number of revolutionary brigades and civilians have voluntarily handed in ammunition for disposal. To facilitate the quantification of this threat and possible responses thereto, UNSMIL has begun developing a weapons and ammunition database in cooperation with national stakeholders.

52. UNSMIL continues to work with the Office of the Prime Minister on a structure delineating roles and responsibilities in the area of arms and ammunition management. The Mission is supporting this process by coordinating the international working group on arms and ammunition management, an information-sharing and advisory forum for Libyan authorities. Pending decisions on sector funding proposals, shortfalls amounting to $21 million for 2013 alone are expected to hamper the overall scope of support that can be provided. My Special

Representative has reached out to potential donors in the hope that the needed funds will be made available in the coming months.

53. Finally, UNSMIL has cooperated with the Panel of Experts on Libya, in accordance with paragraphs 11 and 12 of resolution 2040 (2012).

5. Ministry of Defence and the Libyan Armed Forces

54. During the reporting period, the Government of Libya took some important decisions and actions towards rebuilding the defence sector. In December, the entity responsible for guarding the borders, petroleum facilities and critical infrastructure was formally placed under the authority of the Ministry of Defence and the command of the Chief of General Staff. Efforts are being made to exercise greater command and control over the existing semi-official security structures of the revolutionary forces, with the first individual elements receiving condensed basic training before deploying to bolster the regular army.

55. With UNSMIL support, the Government has made significant progress towards developing a defence white paper outlining a national strategy. Extensive consultations were held across the country with relevant Government, military and civilian actors, as well as with revolutionary fighters. The exercise has helped to integrate previously disparate elements of defence sector needs and priorities and provided the authorities an opportunity to consult with wider Libyan society.

56. Related to the defence white paper project, UNSMIL assisted in two important Libyan Armed Forces activities: a workshop in October that considered critical issues of the size and structure of the army, higher defence relationships and securing the border, followed in November by a three-day workshop on a new and smarter army.

57. While Libya develops its long-term strategy, UNSMIL is also assisting the Ministry of Defence and the Office of the Chief of General Staff to identify and implement immediate practical initiatives. UNSMIL is facilitating the provision of embedded experts in military education and training, personnel and pension reform, defence legislation and regulations and communications strategy. In those areas, UNSMIL is working collaboratively with key national interlocutors and international supporters, notably through the international defence working group, which meets on a monthly basis to enhance international coordination for defence sector reform.

6. Ministry of Interior and police

58. Following his appointment on 11 December, the new Interior Minister moved quickly to outline plans for the work of the Ministry. These entail reforming and restructuring the Ministry; establishing a vetting mechanism aimed at instilling public confidence in the police; reactivating the police, including visibly displaying the force in cities and towns; and gradually integrating the Supreme Security Committee into the Ministry of Interior. In consultation with existing security forces and structures, the Minister proceeded to establish a central committee for integration. By mid-January, more than 20,000 revolutionary fighters had enlisted in the Ministry, with training programmes under way. The figure is likely to increase as the integration programme progresses further.

59. UNSMIL is working closely with the Ministry of Interior and the Central Committee for Integration, offering technical advice on a range of issues, including demobilization and reintegration, the design of a training curriculum and the transfer of weapons and prisons to State control.

60. UNSMIL also continued to work closely with the Ministry of Interior and the General National Congress to develop strategic priorities for police reform, including national security policies, legal frameworks, the organizational structure and the budget. UNSMIL also supported efforts to build operational policing capacity and enhance coordination, with particular emphasis on professionalism, accountability, accessibility and respect for human rights.

61. On the basis of Ministry of Interior priorities, UNSMIL facilitated an international instructor development programme, drafted plans for an integrated strategic planning system and supported efforts to identify Libyan needs, priorities and support requirements to strengthen operational policing, including criminal investigation, forensics, anti-narcotics activities and public order capabilities.

D. Socioeconomic recovery

62. Economic growth due to the rapid restoration of hydrocarbon production supported the recovery of economic activity in many areas and allowed an enlargement of the State budget. In 2012, spending on wages and subsidies was projected by the International Monetary Fund (IMF) to have increased to 30 per cent of gross domestic product. Although Libya can afford these elevated levels of expenditure in a transitional period, the increase in wages and subsidies is eroding fiscal buffers and undermining longer-term prospects for fiscal sustainability. The high level of subsidies affects consumption and production, as well as the allocation of resources, with negative implications for the State budget and private sector development.

63. An IMF mission to Libya in December highlighted the fact that increased private sector employment needs to be underpinned by efforts to strengthen the educational system and improve skills. An efficient and comprehensive social safety net would ease transitory pressures and encourage risk-taking, thereby encouraging competition within the workforce and allowing rationalization of the civil service.

E. Coordination of international assistance

64. At the request of Libyan counterparts, UNSMIL continues to exercise a strong leadership role with regard to the coordination of international assistance, which was highlighted during meetings held in London on 17 December and in Paris on 12 February. This includes a focus on the security and defence sectors as well as on the rule of law and transitional justice. UNSMIL has also taken the lead in efforts to support the constitution-drafting process.

65. During the reporting period, the United Nations country team strategic framework for 2013-2014 was finalized. It focuses on the six development sectors that have been identified by the Government as priorities, namely, social services; economic recovery; public administration and governance; transitional justice, human rights and rule of law; culture and tourism; and infrastructure and housing.

Those priority sectors are linked to the recently established "Government/international partners coordination architecture", which is led by the Ministry of Planning.

66. Working closely with the Ministry of Planning and line ministries, the United Nations undertook a comprehensive review of existing coordination mechanisms, a year after their establishment. The exercise was held with the aim of better supporting the development of national strategies. As part of this initiative, consultations were held with international partners currently providing technical support and capacity development to Libyan institutions. The outcome of the assessment should lead to a restructuring and strengthening of the coordination mechanisms between the Government and international partners.

67. The United Nations currently has 11 issue-specific groups that bring together, in addition to various UNSMIL sections and country team agencies, partners from the international community and, in some cases, representatives of civil society. These flexible structures will have to be strengthened so that exchange of information becomes regular, duplication is avoided and effective coordination is secured.

F. Humanitarian situation

68. More than 90,000 persons were displaced in 2012 because of ethnic or tribal tensions or as a direct result of military conflict, such as that which occurred in Bani Walid and the Nafusa Mountains. The majority were displaced on only a short-term or temporary basis. By the end of 2012, the total number of internally displaced persons, primarily from the Mashashiya, Tawergha and Tuareg communities, many of whom continue to face obstacles in returning to their homes, was estimated to be more than 65,000. Initiatives aimed at promoting reconciliation between communities and addressing long-standing issues are being developed as durable solutions to an array of issues linked to internal displacement.

69. In the absence of a comprehensive legal framework governing their presence in Libya, irregular migrants, refugees and potential asylum seekers continued to be at risk of arrest, detention, deportation and exploitation. While the Ministry of Interior has made some progress in asserting control over some migrant detention facilities, problems of overcrowding, food and water scarcity and poor sanitation remain serious challenges.

70. More than 8,000 people, including potential asylum seekers, children and pregnant women, are estimated to have attempted the dangerous sea crossing from Libya to Europe in 2012.

71. Developments in the Syrian Arab Republic have led to a continuing influx of Syrian refugees into Libya, primarily across the Egyptian border. In recent months, international organizations have intensified efforts to register Syrian refugees in coordination with local authorities, with more than 3,800 persons registered to date in Tripoli, Misrata, Benghazi and other locations. Relief items, as well as assistance in accessing health, education and social services, have been made available to vulnerable Syrian families by international humanitarian agencies.

72. As a result of the local conflict in Bani Walid in October, an estimated 60,000 people were displaced to Tarhouna, Al-Orban and Nisma, in addition to other towns

in western Libya. The majority have since returned to their homes. The United Nations has worked closely with the Libyan Humanitarian Relief Agency, the Libyan Red Crescent and civil society organizations to monitor the situation inside Bani Walid and provide humanitarian assistance. Advisory and technical support on the crisis management and coordination of the humanitarian response was also provided by the United Nations to the Government's crisis management committee established within the Office of the Prime Minister to oversee the return of residents and recovery efforts.

IV. Deployment of the United Nations Support Mission in Libya

73. As at 1 January 2013, a total of 205 UNSMIL international staff, Government-provided personnel and national staff members had been deployed, comprising 175 in Tripoli, 14 in Benghazi, 3 in Sabha, 1 in New York and 12 at the Global Service Centre in Brindisi, Italy.

V. Staff safety and security

74. The United Nations continued to operate effectively throughout Libya in the second half of 2012 despite a deteriorating security situation. Attacks against the international community, including the United Nations, mainly in the east, intensified beginning in April. Following the attack on the United States Government facilities in Benghazi on 11 September, and given the fracturing of State security actors in the city and significant problems with control, United Nations international staff based there were temporarily relocated to Tripoli. UNSMIL may redeploy a smaller core group of staff to Benghazi when the security situation improves.

75. On 10 December an UNSMIL convoy came under small arms fire outside the city of Al-Khoms. The incident is believed to be a random criminal act rather than a case of deliberate targeting of the United Nations. On 29 January, two pipe bombs were thrown into a facility previously proposed to house the UNSMIL headquarters in Tripoli. One of the bombs exploded, causing minor damage but no injuries. Libyan police are investigating the incident.

76. In view of the steadily changing environment in Libya, the integrated approach to the safety and security of United Nations personnel has been further refined during the reporting period. Efforts have been intensified to protect United Nations personnel, particularly in the east, but also in Tripoli with respect to office and accommodation arrangements. This is seen as essential in enabling United Nations operations to continue despite a complex security environment.

VI. Financial aspects

77. By its resolution 66/263, the General Assembly approved an amount of $36,039,100 for UNSMIL for 2012. Further, by its resolution 67/246, the Assembly approved an additional amount of $50,637,200 for 2013, bringing the total resources for UNSMIL for the biennium 2012-2013 to $86,676,300.

VII. Observations and recommendations

78. Libya continues to achieve progress in its democratic transition. The swearing-in of the country's first democratically constituted Government marks yet another milestone in this process. It comes in response to a popular demand for an inclusive and functioning Government capable of engaging in State-building. The transparency and openness with which the new Government was formed bears witness to the political will of the General National Congress, and of political groups and leaders, to break with the past and foster Libya's political transformation in accordance with democratic norms. Prime Minister Ali Zeidan, along with his National Unity Government, deserve praise for their commitment to work decisively towards meeting the basic aspirations of the Libyan people.

79. While the formation of the Government is a welcome political development, a concerted effort is needed to address the numerous challenges facing Libya. Seven months after the historic elections of 7 July 2012, the Libyan people expect, and have started to demand, more of their elected authorities with regard to the provision of security, institution-building and service delivery. It is therefore critical that the General National Congress and the Government work in a cooperative manner, within their respective competencies, in conformity with the principle of the separation of legislative and executive powers. In all of these areas, a sustained and focused effort to support institution-building is required.

80. I am encouraged by the determination of the new Government to move forward expeditiously towards improving the precarious security situation and addressing urgent problems pertaining to the proliferation of weapons and the continued presence of armed groups outside the legitimate control of the State. In particular, I welcome the plans recently announced by the Government to integrate revolutionary fighters into State military and security institutions. Further progress with respect to security, however, will ultimately depend upon the State's ability to radically reform, modernize and rebuild its military and security institutions and structures, which have suffered for decades from partisanship, instability, disorganization, corruption and nepotism. Progress on these fronts will ensure that Libya continues to make headway towards building a modern, democratic and accountable State, based on the rule of law and respect for human rights.

81. There remain significant challenges associated with the clearance of explosive remnants of war and the accounting, safe storage and control of weapons throughout Libya. While progress has been made in these areas, much remains to be done. I urge Member States to consider committing support to ensure continuation of these critical activities.

82. I am encouraged by Libya's decision to foster regional cooperation on security issues. In this respect, many of the problems faced in Libya are intertwined with those of its neighbours. International assistance to Libya needs to include specific support for recent actions by the Libyan authorities aimed at strengthening joint efforts to enhance border security. My Special Envoy for the Sahel, Romano Prodi, is working on a comprehensive strategy for the Sahel that would address cross-border security concerns, among other issues.

83. At the current juncture in Libya's political transition, the need to reach consensus based on broad and inclusive consultations is crucial to ensure the success of the Libyan authorities in their efforts to address priority issues. In view

of the fragile security situation, and prior to the adoption of the new constitution, it is important to initiate an inclusive, national dialogue. Such a process would allow the different actors, whether political, communal or from civil society organizations, to build consensus on guiding principles and priorities until a new constitution is adopted.

84. I commend the decision of the General National Congress to move ahead with the election of a body to draft the constitution. The decision is an important milestone that paves the way for continued progress towards a constitution that reflects the needs, priorities and aspirations of the Libyan people. In this regard, I encourage the General National Congress to move expeditiously towards adopting the legal framework necessary for a free, fair and inclusive election. I also call upon relevant Libyan authorities to ensure the widest possible popular consensus on constitutional principles and adherence to the norms of a democratic and constitutional State.

85. In conjunction with national dialogue, reconciliation efforts should neither be understated nor considered premature. Reconciliation involves confronting the past, dealing with the legacy of the former regime, enhancing transitional justice and refraining from collective punishment and revenge. In this regard, I strongly encourage truth-seeking and reconciliation initiatives. I commend the legislative efforts to this effect, and call upon all concerned to harmonize a transitional justice law and other relevant laws with international standards. In both truth-seeking efforts and judiciary processes, it is essential that the expectations of the victims be adequately met.

86. The continued detention without due process and the mistreatment of many thousands of persons remain a source of deep concern. While there has been some progress in the screening and processing of detainees, the effort has remained limited in scope. All detainees should be transferred to centres under the authority of the State, and the Libyan authorities should accelerate the judicial process. Measures must be taken to ensure that detainees are accorded fair trials in conformity with international rule of law standards. In this regard, I urge the authorities to take all the necessary measures to empower the judicial system, including the provision of adequate security conditions for judges and prosecutors. I also urge the authorities to make concerted efforts to develop a legal framework to address the issue of irregular migrants, refugees and potential asylum seekers in accordance with international humanitarian law.

87. As Libya continues to address the challenges of its transition, the United Nations will continue to offer its full support and assistance in accordance with the principles of national ownership. To that end, I recommend that the Security Council renew the mandate of UNSMIL for another 12 months as an integrated special political mission in the areas provided for by the Security Council in resolutions 2009 (2011), 2022 (2011) and 2040 (2012). Taking into account the priorities of the Government, UNSMIL and the wider United Nations system will increase their efforts to support those priorities and refocus their work to adequately address them, including, but not limited to, the constitution-making process, inclusive national dialogue and improving institutional capacity in the areas of defence sector reform, transitional justice and the rule of law. In close partnership and coordination with the international community, the United Nations will continue to make available resources and expertise in support of these national priorities.

88. In closing, I reiterate the commitment of the United Nations to fully support the Libyan people in their democratic transition. I commend the Libyan authorities and people for their accomplishments to date and I thank them for their close cooperation and collaboration with the United Nations. I also thank all those international partners, regional organizations and others who have supported the Libyan people in their efforts to secure peace and stability. Finally, I wish to extend my sincere thanks to the staff of UNSMIL and the United Nations system for their efforts to support Libya's transition. I commend my Special Representative, Tarek Mitri, for the strong leadership he has demonstrated following his appointment.